IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 1702 of 2007(C)

AGAINST THE ORDER IN IA 1776/06 IN
OS.35/1987 of PRINCIPAL SUB COURT,ALAPPUZHA

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PETITIONER:

ASHITHA R.KURUP, U.P.S.A.,
S.N.V.T.T.I. KAKKAZHAM P.O., ALAPPUZHA.

BY ADV. DR.P.S.KRISHNA PILLAI

RESPONDENTS:

P.VIJAYAMMA, W/O.KARUNAKARA KURUP,
'REVATHY', NEERKUNNAM, ALAPPUZHA -5, MANAGER,
S.N.V.T.T.I., KAKKAZHAM, ALAPPUZHA.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 1702 OF 2007

Dated 15th January 2007

J U D G M E N T

Petitioner is one of the defendants in O.S.35/1987 on the file of Sub court, Alappuzha. Respondent is 15th defendant. Respondent was appointed Manager of the school, belonging to the parties which is the subject matter of the suit. This petition is filed under Article 227 of Constitution of India for a direction to sub court, Alappuzha to consider the claim of petitioner for promotion and posting as Teacher. Respondent filed an application, I.A.1776/06 for appointment of a teacher from open market. Case of petitioner is that in the objection filed to that application, petitioner raised a contention that he has filed application before Manager for her promotion and therefore permission sought for by respondent may not be granted and instead petitioner be directed to be promoted and appointed to the post. Learned counsel appearing for petitioner submitted that as pending petition before sub court was filed by

respondent/Manager for appointment of a teacher from open market the claim of petitioner for promotion raised in the objection may not be considered by the court and therefore a direction is to be issued.

2. Petitioner is at liberty to file a separate application before Sub court for necessary direction to Manager to promote her to the post. If such application is filed before that court, learned Sub Judge to dispose the same along with I.A.1776/06

Writ petition is disposed of accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.